

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2021-8-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 2/2/2021**  
Nabut Bros., LLC  
201 Paul Maillard Road  
Luling, LA 70070  
(504)-235-9784; claudeadams@gmail.com
- ◆ **Location of Site**  
Lot B-2, Kellogg Subdivision; 112 Monsanto Avenue, Luling
- ◆ **Requested Action**  
Rezoning from R-1A, Single Family Residential to C-2, General Commercial

### SITE INFORMATION

- ◆ **Size of Site**  
41,180 sq. ft.
- ◆ **Current Zoning and Land Use**  
Lot B-2 is zoned R-1A and is developed with two residential homes.
- ◆ **Surrounding Zoning and Land Use**  
C-2 zoning is adjacent to the Highway 90, Maryland Drive, and Monsanto Avenue sides; R-1A zoning is also located to the Monsanto Avenue side and St. Maria Street side.

The site is located off of Highway 90 where a mix of uses can be found before transitioning to a developed single family neighborhood. Specifically, a doctor's office is located adjacent to the Maryland Drive side; a fast food restaurant, single family house, dental office, and townhouses are located across Monsanto Avenue; a single family house is adjacent to the St. Maria Street side.

- ◆ **Future Land Use Recommendation**  
*Low Density Residential:* (from 4 up to 8 dwellings per gross acre) this category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ **Traffic Access**  
Lot B-2 has 231 ft. of frontage on Monsanto Avenue, a 60 ft. right-of-way with an approximately 18 ft. wide asphalt roadway.
- ◆ **Utilities**  
Water and sewer facilities are available on Monsanto Avenue, and the representatives from the Department of Waterworks and Department of Public Works & Wastewater offered no objections to the zoning change.

### APPLICABLE REGULATIONS

#### Appendix A. Section VI. – Zoning District Criteria and Regulations

#### **III.] C-2 General commercial district— Retail sales:**

1. Use Regulations:
  - a. A building or land shall be used for the following purposes:
    - (1) All uses allowed in C-1 District.
    - (2) Retail sales (except auto and mobile home sales), usage, and storage
    - (3) Hotels, motels and apartment hotels

- (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
  - (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
  - (6) Animal hospitals where all animals are kept inside the building
  - (7) Service station
  - (8) Commercial recreation facilities
  - (9) Commercial greenhouses and nurseries
  - (10) Commercial schools
  - (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following:
    - Bicycles
    - Radios
    - Televisions
    - Stereos and recorders
    - Household appliances
    - Locksmith
    - Typewriters
    - Other similar uses
  - (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses:
    - Dressmakers
    - Millinery
    - Tailors
    - Baking goods sales
    - Laundry and dry cleaners
    - Theatres (but not the drive-in type)
  - (13) Laboratories
  - (14) Customary accessory uses incidental to the above uses when located on the same lot
  - (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
  - (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts Cellular/communication towers.
  - (17) Other uses of similar intensity.
  - (18) Mini-storage facilities (limited to one-story construction in C-2 district).
  - (19) Historic home site bed and breakfast.
  - b. Special exception uses and structures include the following:
    - (1) Dwelling units contained within the office building
    - (2) Reserved
    - (3) Reserved
    - (4) Churches
    - (5) Movie theaters
    - (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director.
  - c. Special permit uses and structures include the following:
    - (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
    - (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
    - (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.
    - (4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.
    - (5) Heating and air conditioning service.
    - (6) Sheet metal shops
    - (7) Plumbing shops.
    - (8) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
    - (9) Bingo halls, video bingo parlors, and off-track betting establishments upon review of the planning commission and ordinance of the St. Charles Parish Council.
2. Spatial Requirements:
- a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) feet.
  - b. Minimum yard sizes:
    - (1) Front - twenty (20) feet
    - (2) Side - five (5) feet
    - (3) Rear - ten (10) feet.
    - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999. (Ord. No. 08-8-9, § XI, 8-18-08)
3. Transportation Requirements: Arterial
4. Special Provisions:

- a. Where any commercial use in a C-2 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.

**Appendix A. Section XV. - Amendment procedure**

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two or more of the following criteria are met:

1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zone that is incompatible with the surrounding neighborhood.
2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
  - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
  - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
  - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:

1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

<b>REZONING GUIDELINE EVALUATION</b>
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Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that two or more of the following criteria are met:

1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* A zoning change from R-1A to C-2 would not be a spot zone as it would expand upon an adjacent C-2 zoning district, which was established in 1981 and extends approximately 8,300 ft. along Highway 90 from Valencia Drive to Lakewood Drive. But the proposed C-2 zoning conflicts with the *Low Density Residential* designation on Lot B-2. Staff recommend studying the extent of the current Commercial FLUM designation as part of the ongoing comprehensive plan update to determine if it provides sufficient space for new commercial development along this corridor. **The request fails the first guideline.**
2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and the proposed zoning does.* The subject site is developed with single family houses and located in an R-1A zoning district established in 1981. The C-2 zoning district to the Maryland Drive, Highway 90, and Monsanto Avenue sides was also established in 1981, with the district on the Monsanto Avenue side extended south as part of a 1986 rezoning (86-06). The uses within the C-2 district opposite Monsanto Avenue from the subject site consists of a mix of residential and commercial. A fast food restaurant is located at the corner with Highway 90, and a dentist office is located a 111 Monsanto Avenue. 109 Monsanto Avenue is shown as a hair salon according to a 1984 survey, with a change of use permit issued for another salon in 1997. There is no record of continued operation of the salon, and the site is now primarily used as a residence. Department data for 117 Monsanto Avenue, which was the subject site of the 1986 rezoning, shows the permitting of a single family residence as a Special Permit in the C-2 district. So while there are residential uses directly across from the subject site, the zoning and land-use pattern has skewed commercial, starting with the 1986 rezoning which resulted in the subject site abutting C-2 zoning on three of four sides. A single

residential property with three potential conflicts with commercially zoned sites can be a detriment to future residents and affect the property owner's ability to use it for residential purposes. **The request meets the second guideline.**

3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* The uses permitted in the proposed C-2 zoning district are unlikely to place more of a burden on existing infrastructure than the uses permitted in the current R-1A district. These uses, which include restaurants, commercial recreation, offices, and small retail and repair shops would also be compatible with the existing neighborhood character, which includes C-2 uses adjacent to the Maryland Drive side and directly across Monsanto Avenue. **The request meets the third guideline.**

## **ANALYSIS**

The applicant requests a change of zoning from R-1A, Single Family Residential to C-2, General Commercial on 41,180 sq. ft. across Lot B-2, Block B, Kellogg Subdivision, 112 Monsanto Avenue, Luling. The applicant purchased the lot in December 2020.

The requested change to C-2 zoning only meets the third rezoning guidelines.

It meets the second guideline because it would decrease the amount of conflicts between this residential property and abutting commercial zoning and uses. The current zoning and land use pattern, which has resulted in either commercial zoning or uses adjacent to three sides of the subject site, is detrimental to the continued use and marketability of the site for residential purposes. It would also loosen the development restrictions on these abutting commercial sites, making them more accommodating for future development. It meets the third guideline because the uses permitted in the C-2 zoning district are not likely to place an increased burden on existing infrastructure while also being compatible with the existing commercial uses on abutting sites.

The entire site is under three (3) acres, so approval would not require a corresponding change to the Future Land Use Map.

## **DEPARTMENT RECOMMENDATION**

**Approval.**